

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #11	CCRB Case #: 202003999	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/06/2020 6:30 PM	Location of Incident: Clintonville Street and Cross Island Parkway	Precinct: 109	18 Mo. SOL 12/6/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 10:38 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/06/2020 10:38 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Evangelos Galatas	28484	932677	109 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dominick Vulpis	21344	960060	109 PCT
2. LT John Boyce	00000	943015	109 PCT
3. POM Bryan Tenny	19971	968157	109 PCT
4. POM Jose Rodriguez	11103	968754	109 PCT
5. POM James Pate	05158	963683	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Evangelos Galatas	Off. Language: Police Officer Evangelos Galatas gestured offensively at individuals.	
B.POM Evangelos Galatas	Off. Language: Police Officer Evangelos Galatas gestured offensively at individuals.	
C.POM Evangelos Galatas	Off. Language: Police Officer Evangelos Galatas gestured offensively at individuals.	

Case Summary

On June 6, 2020, complainant/witness § 87(2)(b) filed this complaint with the CCRB online. This case is related to the 2020 anti-police brutality protests.

On June 6, 2020, there was a protest near an overpass at Clintonville Street and the Cross-Island Parkway in Queens. Present were § 87(2)(b) and other civilians § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b). Staffing the area around the protest were Lt. John Boyce, PO Dominck Vulpis, PO Bryan Tenny, PO James Pate, PO Jose Rodriguez, and PO Evangelos Galatas, all of the 109th Precinct.

During the protest, PO Galatas allegedly made a “white power sign” at the crowd three times, with the thumb and index finger encircled and three fingers extended (**Allegation A- Offensive Language-** § 87(2)(g) **Allegation B- Offensive Language-** § 87(2)(g) **Offensive Language-** § 87(2)(g)).

Video of the incident was captured on PO Tenny’s body-worn camera and on § 87(2)(b) cellphone (Board Reviews 01 and 02)

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Evangelos Galatas gestured offensively at individuals.

Allegation (B) Offensive Language: Police Officer Evangelos Galatas gestured offensively at individuals.

The CCRB was not able to obtain video footage of the first two instances during which PO Galatas used this gesture

It is undisputed that during the protest at Clintonville Street and the Cross-Island Parkway, PO Galatas moved a vehicle to block the street. Shortly after he moved the vehicle, he held at least one hand with his thumb and finger in a circle and the rest of the fingers extended.

§ 87(2)(b) interviewed by the CCRB by phone on July 22, 2020, remembered the crowd becoming upset but did not know at that point why. He eventually heard members of the crowd say that PO Galatas was a racist and had made a white supremacist hand sign (Board Review 03).

§ 87(2)(b) who gave a phone statement to the CCRB on August 5, 2020 and was interviewed by phone on August 7, 2020, became aware that PO Galatas made the sign when other protestors said that he did so (Board Reviews 04 and 05).

§ 87(2)(b) gave the CCRB a phone statement on August 6, 2020. He saw PO Galatas in the vehicle, perhaps rolling up his window, make the sign with his left hand. He was smiling as he did so and did not seem to be making it at anyone in particular (Board Review 06).

§ 87(2)(b) who also gave a phone statement to the CCRB on August 6, 2020, saw PO Galatas make the sign in his car (Board Review 07).

On August 13, 2020, § 87(2)(b) gave a statement over the phone to the CCRB. She was told by other protestors that PO Galatas made the sign the initial time (Board Review 08).

On August 27, 2020, § 87(2)(b) gave a statement to the CCRB over the phone. He saw PO Galatas make the sign only once, as he was walking to his car (Board Review 09).

On August 27, 2020, § 87(2)(b) gave a phone statement to the CCRB. She saw him make the sign as he was standing next to another officer, and then tell people to be quiet. He also made it as he walked to his car but did not appear make it at anyone (Board Review 10).

On September 14, 2020, § 87(2)(b) Sr. gave a statement to the CCRB over the phone. He saw PO Galatas make the sign at a group of people, most of whom were not white. He only saw him make the sign once, before members of the crowd grew angry, and then saw another officer speak with him, and saw him leave (Board Review 11).

The CCRB could not reach § 87(2)(b) or § 87(2)(b) (Board Review 12).

PO Galatas testified that he was at the protest and that he was instructed to move a police vehicle to block off traffic near the overpass. He customarily carries his car keys with his thumb and index finger looped through the key ring and the rest of the fingers extended. He waved at another officer to ask him if he wanted the keys, with his palms facing the crowd. He held the keys in this manner twice before leaving the car. He denied knowing until his interview with IAB about this incident that this gesture was used to signal white supremacy (Board Review 13).

Lt Boyce denied observing or learning of any hand gesture that PO Galatas made on scene. He learned later that day from a social media post brought to his attention by his commanding officer that PO Galatas had allegedly made the sign (Board Review 14).

On April 16, 2021, Sgt. Ryan O'Shea of Group 26 of the NYPD's Internal Affairs Bureau, who investigated this incident under IAB Log OG 2020-7043, confirmed that he closed the allegation that PO Galatas made a racist gesture as unsubstantiated (Board Review 28).

The investigation attempted to subpoena social media accounts of PO Galatas but could not obtain enough information to submit a subpoena to Twitter (Board Review 29). Facebook rejected the CCRB's subpoena on the grounds that the CCRB did not have jurisdiction in the state of California (Board Review 30).

The investigation determined by a preponderance of the evidence that PO Galatas held his hand with his index finger and thumb in a loop and the rest of his fingers twice while he was at Clintonville Street and the Cross-Island Parkway while he was parking a car.

Patrol Guide Procedure 203-10 forbids officers from "knowingly [associating] with any person or organization advocating hatred, prejudice, or oppression based on race" (Board Review 18).

The Anti-Defamation League (ADL) conditionally defines the "okay" hand sign, with the index finger and thumb in a loop and the remaining three fingers extended, as a white supremacist sign. In 2017, members of the Internet message board 4Chan decided to promulgate a false definition of the "okay sign" as a white power sign as a trolling tactic. Per the ADL, "the hoax was so successful the symbol became a popular trolling tactic on the part of right-leaning individuals, who would often post photos to social media of themselves posing while making the "okay" gesture." Though, it also notes, the gesture has been used sincerely, as in the case of Brenton Tarrant, who, after shooting at a mosque in Christchurch, New Zealand, was photographed making the sign at one of his court appearances (Board Review 19). The Southern Poverty Law Center similarly states of the sign: "when someone flashes the "OK sign" with that knowing smirk...it may or may not mean that they are a white nationalist attempting a sly signal. But the sign unquestionably identifies the user as one thing: a troll" (Board Review 20).

Members of law enforcement agencies and military organizations have been photographed making the sign in the years following its origin, though investigations into its use have not uniformly concluded that the involved officers invoked white supremacy. In Salem, Oregon in July of 2020, a member of the Oregon State Police was recorded making the sign at a protest. Their investigation yielded that he was trying to ensure the safety of someone present with a hand gesture while all parties were wearing masks (Board Review 21). In February 2020, soldiers in Australia were notified that they would be suspended if they were caught making this sign (Board Review 22). In July of 2018, four members of the Jasper, Alabama police department were suspended after they made the gesture in a photo taken after an arrest (Board Review 23).

In the two initial times that PO Galatas made the gesture, he was parking a car, lending credence to his explanation that he was holding keys in his hands in this manner. The investigation could not determine by a preponderance of the evidence that he had any idea of the ramifications of the gesture at this point in the incident.

§ 87(2)(g)

Allegation (C) Offensive Language: Police Officer Evangelos Galatas gestured offensively at individuals.

It is undisputed that shortly after PO Galatas parked the vehicle, members of the crowd called him a “racist.” PO Galatas left the scene after assisting PO Rodriguez and PO Tenny with a vehicle stop and speaking with Lt. Boyce. As he left the scene, he raised his hand towards the crowd with three fingers extended and one finger in a loop.

Video from PO Tenny’s body-worn camera, taken while PO Galatas was assisting with the vehicle stop, shows members of the crowd saying that PO Galatas was a racist, and an unseen individual saying to one of the officers, “You’re not gonna check your boy for throwing up white power, are you?” (Board Review 01, timestamps 00:03:15 to 00:03:45 in the video player). At the time the protestor makes this statement, Lt. Boyce can be seen standing nearby. Another protestor starts a chant of “Officer Galatas is a racist” (Board Review 01, timestamps 00:05:15 to 00:06:00 in the video player). It does not capture PO Galatas making the hand sign (Board Review 01).

The video taken by § 87(2)(b) showed PO Galatas leaving the scene. Just before he gets into a marked police vehicle, he raises one hand to the crowd with three fingers extended (Board Review 02, timestamps 00:00:40 to 00:00:49 in the video player). When he puts his hand on the steering wheel, the keys in the same hand are visible (Board Review 02, timestamps 00:00:50 to 00:01:00 in the video player).

§ 87(2)(b) saw PO Galatas make the sign twice with his right hand but did not see his entire hand at the time that he made it (Board Review 03).

§ 87(2)(b) saw that as PO Galatas walked to his vehicle to leave, he made the sign with his right hand. He did not appear to be making the sign at anyone in particular (Board Reviews 04 and 05).

§ 87(2)(b) stated over the phone that after he saw PO Galatas make the gesture the first time, he asked PO Galatas why he made the sign. PO Galatas smirked at § 87(2)(b) and did not deny that he was making a white power sign. As PO Galatas walked to his vehicle to leave the scene, he made the gesture again (Board Review 06).

§ 87(2)(b) also saw PO Galatas make the sign as he was walking to his car (Board Review 07).

§ 87(2)(b) confirmed over the phone that the video she posted, which is included in the case file, was not altered in any way. She saw PO Galatas give a “smug look” at the protestors before walking to his car and giving the sign as he left (Board Review 08).

§ 87(2)(b) gave a statement to the CCRB over the phone. He saw PO Galatas make the sign only once, as he was walking to his car (Board Review 09).

§ 87(2)(b) heard protestors yelling at PO Galatas after he made the sign the first time that what he did was not acceptable. She also saw him make the sign as he walked to his car but did not appear make it at anyone (Board Review 10).

§ 87(2)(b) Sr. did not see PO Galatas make the sign as he left the scene in his car. (Board Review 11).

As mentioned above, the CCRB could not reach § 87(2)(b) or § 87(2)(b) (Board Review 12).

PO Galatas testified that he could tell that members of the crowd were calling him a “racist,” shortly after he arrived on scene because they were looking at him as they said this, but he tried to tune them out and did not hear what else they were saying. PO Galatas assisted a newer officer in making a vehicle stop, during which an unidentified individual threw a food item that struck him on the chest. He then spoke with Lt. Boyce, who said that members of the crowd were accusing him of making a racist hand gesture. He asked PO Galatas if he wanted to leave, and PO Galatas said that he probably should. As he was leaving, he held his keys in his hands in the way that he mentioned before, and he waved at the crowd to show them that he was leaving. He learned only during his IAB interview that the hand gesture was used to show solidarity with white supremacy and denied intentionally making a white power sign at the crowd (Board Review 13).

Lt Boyce stated that when he arrived on scene, members of the crowd were yelling that PO Galatas was “racist” and that he “sucked.” He did not have a conversation with any one of them

individually, as they were extremely upset. He did not remember any of them mentioning a hand gesture PO Galatas allegedly made. Lt. Boyce suggested that PO Galatas should take his meal at that point. He did not observe or learn of any hand gesture that PO Galatas made on scene. He learned later that day from a social media post brought to his attention by his commanding officer that PO Galatas had allegedly made the sign (Board Review 14).

PO Tenny recalled the crowd becoming angry at PO Galatas but he did not know why, and he did not remember the members of the crowd mentioning any specific hand gestures or calling PO Galatas a racist (Board Review 15). PO Rodriguez similarly remembered a shift in the demeanor of the crowd, from relatively calm to angry, but he did not remember them becoming specifically angry at PO Galatas. Neither of these officers remembered anyone in the crowd taking exception to any specific gesture made by PO Galatas (Board Review 16).

PO Pate learned from some protestors on scene that the protestors were angry that an officer allegedly made a hand sign that resembled the “okay” sign that was also a racist sign. At the time the protestors explained this to him, he was not around any other officers, and he did not know where PO Galatas was (Board Review 17).

As mentioned above, Patrol Guide Procedure 203-10 forbids officers from “knowingly [associating] with any person or organization advocating hatred, prejudice, or oppression based on race” (Board Review 18).

As mentioned above, per the ADL, the “okay” hand sign as a white power sign originated in 2017 as an insincere “trolling” tactic, though some avowed white supremacists use it sincerely (Board Review 19). The SPLC further states that the sign is used in a deliberately inflammatory way: “when someone flashes the “OK sign” with that knowing smirk...it may or may not mean that they are a white nationalist attempting a sly signal. But the sign unquestionably identifies the user as one thing: a troll” (Board Review 20).

Per PO Galatas’s testimony, he knew that members of the crowd believed that he was a racist, and that he waved at the crowd as he left in the car. He also testified that Lt. Boyce informed him that he had bothered the crowd with a hand gesture. Though the video showed him holding his keys at the time he did this, the investigation concluded that this action was intentionally inflammatory, that is, a “trolling” gesture, like those described by the ADL and SPLC. It could lead an onlooker to believe that he was making the gesture—jokingly or not—as a “white power” sign.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first complaint with the CCRB (Board Review 24).
- PO Galatas has been a member of service for 18 years. He has been a subject in seven prior CCRB cases and in 12 prior allegations, one of which was substantiated (Board Review 25).
 - A refusal to provide name and shield allegation was substantiated in case 201504429. The CCRB recommended Command Discipline A, which the NYPD imposed.

■ § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable by virtue of its involvement in the 2020 anti-police brutality protests.

- On January 14, 2021, an inquiry to the New York City Office of the Comptroller yielded negative results (Board Review 26).
- § 87(2)(b) [REDACTED]

Squad No.: 11

Investigator: Miriam Lynch SI Miriam Lynch 04/18/2021
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 04/19/21
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date